

REMARKS/ARGUMENTS

These Remarks are responsive to the Office Action mailed October 9, 2003 (the "Office Action"). Applicant respectfully requests reconsideration of the claim rejections for at least the reasons enumerated herein.

STATUS OF THE CLAIMS

Claims 1-20 are pending in the application.

COMMENTS REGARDING AMENDMENTS

The specification has been amended in response to the Examiner's identification of minor informalities and to correct additional obviously typographical errors. No new matter is added by these amendments.

REJECTIONS UNDER 35 U.S.C. § 102(e)

The Examiner rejected claims 1-20 under 35 U.S.C. § 102(e) as allegedly being anticipated by Levine *et al.* (U.S. Pat. No. 6,233,566) ("Levine"). In support of the § 102 rejection of claims 1 and 11 (the only independent claims), the Examiner alleged that:

Levine anticipates a system and method for multivariable comparison of financial information, comprising: a client interface to a user inputting weightable search information, and a search interface, communicating with the client interface, the search interface operative to interrogate at least one network-enabled information source according to the weightable search information. (Col. 5, lines 55-56; Col. 6, line 22; Col. 21, lines 24-33; Weighted Results — Col. 22, lines 54-56; Col. 26, lines 8-9). Levine's loan inquiries are multivariable ("certain criteria" — Col. 8, lines 4-6. The search information is inherently weightable.).

Office Action at 2.

Anticipation under 35 U.S.C. § 102(e) only occurs if "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir.

1987); *see also* M.P.E.P. § 2131. Applicants respectfully submit that Levine fails to anticipate the claims of the present invention because it fails to disclose, either expressly or inherently, the elements of “a client interface to a user inputting weighted search information” (with respect to claim 1 and claims 2-10 depending therefrom), and “receiving weighted search information from a client interface” (with respect to claim 11 and claims 12-20 depending therefrom).

The present invention provides a system and method having a client interface through which a user enters search information. Using the present invention, the client interface includes utilities to make the search information “weightable” — meaning that the client interface offers the users the capability to input both conventional quantitative and/or qualitative search variables (such as “at least 15% average annualized return”) *and* weighting criteria that specify the relative importance of each search variable. The weighting criteria are ultimately used to provide search results that actually *do not* match the user’s search variables, but are close to meeting the most important of the user’s search variables, as defined by the user’s weighting criteria. These functions of the present invention are described in detail at page 7, line 11 to page 9, line 16 of the specification and elsewhere in the application.

In accordance with this disclosure, claim 1 recites “a client interface to a user inputting weightable search information,” and claim 11 recites “receiving weightable search information from a client interface.” An important feature of each of these independent claims is that the client interface includes the capability to enter weighting criteria, in addition to conventional search information.

In contrast to the present invention, Levine discloses a system that allows users to enter particular search criteria (such as “Interest Rate” and “Loan/Value Ratio”) to search a database of available loans and loan packages. Each user can establish rules for setting the search criteria. For example, a user might only be interested in loans having an Interest Rate of 13% or greater, and a Loan/Value Ratio of 115 or less. *See* Levine col.

9, ll. 11-49. Notably, Levine fails to indicate that a user can *weight* these criteria, as the present invention does, to indicate how important each variable is. For example, Levine fails to disclose a system in which a user can indicate that the Interest Rate criterion is *more (or less) important* than the Loan/Value Ratio.

The Examiner's statement that "search information is inherently weightable" misses the point, because Levine has no inherent disclosure of a *client interface* that is adapted to receive weighted search information (claim 1), or a method of receiving weighted search information *through a client interface* (claim 11). That is to say, regardless of whether the search information is weightable or not, Levine fails to disclose providing a system that has the capability to actually allow the users to weight the search information, which is what is claimed in the present invention. This omission in Levine is evidenced not only by Levine's failure to discuss allowing users to actually weight the search information in the Levine system, but also by Levine's disclosure that the search information is used for conventional hit-or-miss searches. Levine focuses solely on presenting results that "*meet*," "*fall within*," or "*satisfy*" the search criteria. *See, e.g.*, Levine at col. 14, ll. 33-35; col. 17, ll. 31-33; and col. 21, ll. 28-31. Notably, loans that do not meet the criteria are *skipped* or *declined*. *See* Levine col. 22, ll. 19-21; and ll. 28-30 ("If the loan does not fall within any buyers' pre-set rules, notification step 1512 is skipped and the loan remains published on exchange system 200...Those loans meeting the selected criteria would be automatically accepted, while all other loans would be declined."). Levine says absolutely nothing about providing search results that meet only a portion of the criteria, which is the entire purpose of having a system that receives weightable search information. Indeed, Levine provides exactly the type of search system that the present invention seeks to improve upon. *See* Specification, p. 2, ll. 7-10.

The Examiner also provides two citations¹ in Levine that relate to "weighted results." However, the term "weighted," as used in Levine, refers to providing the *weighted average values* of the results for each individual search criterion — for example, providing the weighted average of the FICO scores of all of the loans in a pool of loans that satisfy the user's search criteria. Levine col. 22, ll. 54-56. The results of Levine's "weighted average" would be something like "the weighted average FICO score of the loans in the loan pool equals 630." In contrast, the present invention uses the term "weight" to describe providing relative values to the *importance* of each individual search criteria *relative to the other search criteria*. See Specification p. 7, l. 20 - p. 8, l. 8. A typical "weight" in the present invention would be "a 15% annualized return for that last 5 years is a *must have*," or "an expense load of less than 1.5% is *important, but not critical*." As such, Levine's references to the word "weighted," which are in the context of providing statistical average values for the numbers appearing in the pool of results, are very different from and fail to reasonably suggest the use of "weighted" search information, as that term is used in the present invention.

In light of Levine's failure to disclose a system or method having a client interface with the capability to receive weighted search information, as recited in claims 1 and 11, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 11. For the same reason, Applicants also request reconsideration and withdrawal of the rejection of the remaining claims, claims 2-10 and 12-20, which all depend directly or indirectly from claims 1 and 11.

¹ The first citation, Levine col. 22, ll. 54-56, reads: "The summary may also include information such as weighted averages of FICO score, loan term, loan rate, combined loan-to-value ratio, and debt ratio of the loans in the pool." The second citation, Levine col. 26, ll. 8-9, reads: "This trade data may include, for example, volume of trades, weighted average coupon, average combined loan-to-value ratio, average FICO score, average term of loan, average rate and average debt ratio."

CONCLUSION

Applicants respectfully submit that the application is in condition for allowance, and reconsideration and allowance are respectfully requested. If the Examiner believes that prosecution might be advanced by discussing the application with Applicants' counsel, in person or over the telephone, Applicants' counsel would welcome the opportunity to do so.

It is believed that no fees are due with this response. However, in the event any fees are due, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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